THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.26797 OF 2005

Dated: 15.12.2005

Between

Medarametla Venkata Chowdary @ M.V. Chowdary, S/o. late Koteswara Rao, R/o. Laxmidevipalli (v), Kothagudem (M), Khammam District.

...PETITIONER

AND

The Principal Secretary to Government, Tribal Welfare Department, Secretariat, Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the first respondent in not passing appropriate orders either on the stay petition or on the revision filed by him on 29.11.2005 against the orders passed by second respondent in CMA.No.108 of 2003 dated 29.06.2005 as illegal and arbitrary.

Learned counsel for the petitioner submits that the land in an extent of Ac.3.00 guntas in Sy.No.17/1/A situated at Laxmidevipally Village, Kothagudem Mandal, Khammam District originally belonged to the grandfather of the petitioner acquired by way of registered sale deed dated 05.07.1966 and the said property was bequeathed in favour of the petitioner by way of will dated 12.10.1969.

Thus, the petitioner and his grandfather were in continuous possession of the land and the same is not in violation of the provision of Andhra Pradesh Scheduled Areas Land Transfer

Regulation 1 of 59 as amended by regulation 1 of 70. While so, the third respondent issued LTR proceedings against the petitioner and after enquiry the proceedings were dropped on 19.03.1999 stating that there is no violation of the said provision. Thereafter, the District Collector/ Agent to Government had taken up the matter as *suo moto* Revision/Appeal vide his file No.A1/7167/99 and thereafter the same was transferred to the second respondent and the matter was registered as CMA.No.108 of 2003. The second respondent by order dated 29.06.2005 allowing the appeal ordered for eviction of the petitioner. Against the said order the petitioner filed a revision before the first respondent dated 29.11.2005 along with a petition for stay.

The revision as well as the stay petition is pending before the first respondent. However, pending disposal of the revision, the fourth respondent is taking steps to dispossess the petitioner from the said land.

As the revision is pending before the first respondent, this Court is of the opinion that if the petitioner, who has been in continuous possession, is dispossessed from the said land the purpose of filing the revision itself will become futile. Having regard to the facts and circumstances of the case and pending disposal of the revision before the first respondent, the petitioner may not be dispossessed from the said land. However, the revisional authority may consider and dispose of the revision as expeditiously as possible after giving reasonable opportunity to the petitioner.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 15, 2005

Note: Furnish C.C. of the order within three days

(**B/O)**

DSK